

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 08 2014

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

1 Michael C. Ormsby  
2 United States Attorney  
3 Eastern District of Washington  
4 Matthew Duggan  
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7 Law Clerk  
8 Post Office Box 1494  
9 Spokane, WA 99210-1494  
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11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF WASHINGTON

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 DANIEL BRADEEN,

17 Defendant.

Case No.: PO-13-007-JTR

PRE-TRIAL DIVERSION  
AGREEMENT

18 Plaintiff United States of America, by and through Michael C. Ormsby,  
19 United States Attorney, Matthew Duggan, Assistant United States Attorney, and  
20 Joseph Sullivan, Law Clerk, United States Attorney's Office for the Eastern  
21 District of Washington, and Defendant DANIEL BRADEEN, and the Defendant's  
22 counsel, Robert Fischer, for the Federal Defenders of Eastern Washington and  
23 Idaho, agree to the following Pre-Trial Diversion Agreement ("Agreement"). The  
24 Defendant is before the Court currently charged under the INFORMATION  
25 SUPERSEDING CITATIONS P0580679 AND P0580680 (ECF No. 9, PO-13-  
26 007-JTR) filed on December 20, 2013.

Pre-Trial Diversion Agreement - 1

1 The United States and the Defendant agree that this case shall be continued  
2 until January 8, 2015, and thereafter dismissed, without prejudice upon motion by  
3 the United States, provided the Defendant abides by all the conditions and  
4 requirements herein outlined. If no violations of the terms of this agreement occur  
5 between January 8th, 2014 and January 8th, 2015, the United States will dismiss  
6 this case with prejudice on January 8th, 2016.

#### 7 FACTUAL BACKGROUND

8 The United States and the Defendant stipulate and agree that the following  
9 facts are truthful and accurate and form a sufficient basis for a finding of guilt  
10 under 36 C.F.R. 2.34(a)(3); that the United States could prove these facts beyond a  
11 reasonable doubt at trial; and that these facts can be used as a basis for making  
12 findings and entry of judgment per the terms of this Agreement.

13 On or about midnight between July 6th and 7th, 2013, at the North Gorge  
14 Campground, in the Lake Roosevelt National Recreation Area, in the Eastern  
15 District of Washington, Monica Bradeen and Daniel Bradeen used loud, profane,  
16 and boisterous language and appeared intoxicated, in violation of the campgrounds  
17 2200 hours noise restrictions. This noise was unreasonable, considering the nature  
18 and purpose of the actor's conduct, location, time of day or night, and other factors  
19 that would govern the conduct of a reasonably prudent person under the  
20 circumstances. Based upon this conduct, Rangers Mitchell and Wentz, of the  
21 National Park Service, arrested Monica Bradeen and Daniel Bradeen and  
22 transported them to the Spokane County Jail where they were booked for  
23 Disorderly Conduct.

#### 24 ACCEPTANCE OF PRE-TRIAL DIVERSION AND

#### 25 STIPULATION OF FACTS

26 The Defendant hereby:

Pre-Trial Diversion Agreement - 2

1 1. Accepts and agrees to pursue and complete the terms and conditions of  
2 this Pre-Trial Diversion Agreement ("Agreement");

3 2. Understands that if he fails or neglects to comply with any part of the  
4 terms and conditions of the Agreement, then the Court will hold a hearing to  
5 determine whether judgment should be entered as charged for Disorderly Conduct,  
6 in violation of 36 C.F.R. § 2.34(a)(3). After the hearing, the Court will either order  
7 that Defendant continue with the conditions of his pre-trial diversion, order  
8 additional conditions, or be removed from pre-trial diversion and enter judgment  
9 on the charges.

10 3. Agrees that if the Court revokes the order granting this pre-trial diversion,  
11 the facts from the Factual Background above and any written officer reports and  
12 any attachment thereto will be admissible as evidence to be used to support a  
13 finding of guilt when the Court enters judgment. Defendant understands that by  
14 agreeing to this process, he is giving up certain Constitutional rights. He  
15 specifically acknowledges that he is giving up the right to a trial, the right to testify  
16 or not to testify, the right to question witnesses, the right to call witnesses in his  
17 own behalf, and the right to present evidence or a defense;

18 4. Understands that he is entitled to a trial that would determine whether the  
19 United States could prove him guilty of the instant charge beyond a reasonable  
20 doubt. He does hereby, voluntarily and with knowledge of the above rights, waive  
21 his right to a trial of this case by the Court pursuant to paragraph three (3) above;

22 5. Agrees to report any potential violation of the conditions listed below to  
23 the United States Attorney's Office for the Eastern District of Washington through  
24 the Federal Defenders of Eastern Washington and Idaho within one (1) business  
25 day of the potential violation. This communication should be done by telephone to  
26 (509) 835-6308.

CONDITIONS OF SUPERVISED PRE-TRIAL DIVERSION

The Defendant must abide by the following conditions and requirements:

1. Defendant shall successfully complete an accredited 8-hour Alcohol Awareness/Information School, or equivalent, on or by January 8, 2015.

2. Defendant shall provide the United States Attorney's Office of the Eastern District of Washington, through his attorney, written documentation verifying the completion of the 8-hour Alcohol Awareness/Information School by January 8, 2015.

3. Defendant shall not recreate at any public recreational facility within the Lake Roosevelt National Recreation Area until January 8, 2015.

4. Defendant shall not violate nor be charged with or convicted of any criminal violations under federal, state, or local law before this cause is dismissed without prejudice, or judgment is entered, per the terms of this Agreement. Civil and Non-Criminal Traffic Infraction violations will not constitute a violation of this Agreement.

If the Defendant complies with all the obligations mentioned above, no prosecution for the conduct set out in the Factual Background section of this Agreement will be instituted in the Eastern District of Washington and the United States agrees to dismiss these charges without prejudice.

Should there be a violation of the terms of this Agreement, however, and the Agreement is revoked, a conviction for the charged offenses may be imposed pursuant to the procedures outlined herein. If a conviction occurs, the Defendant understands he will be subject to a sentencing which may include up to six months imprisonment and/or a \$5,000 fine. The Defendant shall be supervised by the United States Probation Office during the diversion period, *to monitor compliance with this Agreement.*

ADVICE AND ACKNOWLEDGMENT OF DEFENDANT'S RIGHTS

Pre-Trial Diversion Agreement - 4

1 I, DANIEL BRADEEN, understand and acknowledge I have the following  
2 rights:

- 3 1. The right to a speedy and public trial in the place where the crime is  
4 alleged to have been committed;
- 5 2. The right at trial to question witnesses who testify against me;
- 6 3. The right at trial to call witnesses to testify for me;
- 7 4. The right to present evidence and a defense;
- 8 5. The right to appeal a judgment of guilt.

9 By entering into this Agreement I understand that I am knowingly,  
10 intelligently, and voluntarily, waiving these rights. I further understand that by  
11 continuing these charges until January 8, 2015, I am agreeing to follow the  
12 procedures outlined in this Agreement.

13 I, DANIEL BRADEEN, hereby state that I have read this document in its

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entirety. I understand the conditions of my pre-trial diversion and agree that I will  
comply with those conditions.





DANIEL BRADEEN

Defendant

01/08/2014

Date

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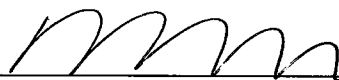
Robert Fischer

ELI MARCHBANKS

Attorney for the Defendant

01/08/2014

Date




Matthew Duggan

Assistant United States Attorney

1-8-14

Date



Joseph Sullivan

Law Clerk

1/8/14

Date

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13 UNITED STATES OF AMERICA,

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~~PROPOSED~~ PRE-TRIAL

DIVERSION AGREEMENT

18 Upon consideration of the parties' Pre-Trial Diversion Agreement, and being  
19 fully advised of the facts and circumstances of this case, the Court finds the  
20 Defendant has agreed to comply with the terms and conditions of the Pre-Trial  
21 Diversion Agreement; that the Court finds the Defendant has acknowledged the  
22 admissibility of the stipulated facts in any criminal hearing on the underlying  
23 offense or offenses held subsequent to revocation of the order granting pre-trial  
24 diversion; that the Defendant's statements were made knowingly and voluntarily;  
25 and that the Defendant has knowingly and intelligently waived his Constitutional

1 and statutory rights to a speedy trial, to question those witnesses against him, to  
2 call witnesses on his behalf, and to present evidence or a defense at trial.

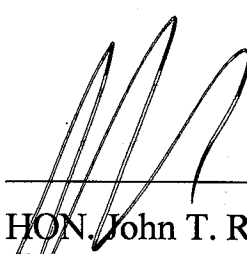
3  
4 NOW THEREFORE, IT IS HEREBY ORDERED:

5 1. The Defendant is accepted for pre-trial diversion;

6 2. The Defendant shall comply with all the terms and conditions as set forth  
7 in the Pre-Trial Diversion Agreement;

8 3. If the Court finds that the Defendant violated any term of the Pre-Trial  
9 Diversion Agreement, the Court shall make findings pursuant to the procedures  
10 outlined in the Agreement.

11 4. The Defendant shall be supervised by the United States Probation Office  
12 during the diversion period.

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16   
17 HON. John T. Rodgers  
18 United States Magistrate Judge  
19

1-8-14  
Date